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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,291	09/10/2003	Naoyuki Tamura	648.41957CX1	2459
20457	7590	07/21/2006	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			MOORE, KARLA A	
			ART UNIT	PAPER NUMBER
			1763	

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/658,291

Applicant(s)

TAMURA, NAOYUKI

Examiner

Karla Moore

Art Unit

1763

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 5-7 and 9.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


Karla Moore
Primary Examiner, Art Unit 1763
18 July 2006

Continuation of 11. does NOT place the application in condition for allowance because:

Examiner maintains that Sundar discloses the method steps recited in Applicant's claims. Despite Applicant's remarks to the contrary, the reference is indeed applicable to the presently claimed invention. Examiner points out that although the Sundar reference uses different language to describe a method of transferring a wafer through a cluster tool and detecting and correcting a displacement of the wafer, which is to be expected, the claimed method steps are present. Applicant argues that it is not seen how the prior art discloses: detecting displacement of the wafer in a transverse direction with respect to a traveling direction near an ingress path of said wafer to the vacuum processign chamber by comparing a correct psotion of said wafer passing a line which is predetermined in advance with an actual position of said wafer being trasferred by said vacuum transfer equipment. Sundar describes a method where a displacement of a wafer is detected while the wafer is being transferred through a vacuum transfer chamber. The wafer passes a line (array) of sensors, which sense an incorrect positioning of a wafer, compare it to a correct positioning/reference point position and make the necessary adjustments. The sensors are near an ingress pathe of said wafer to a vacuum processing chamber when this detection and correction takes place, in that they are in the vacuum processing chamber that is immediately adjacent the vacuum processing chamber. The correction of the displacement is acheivable in any direction in Sundar, including a transverse direction. Examiner also disagrees with Applicant's characterization of Sundar's meaning/purpose of providing an alternative embodiment, where the a displacement detection and correction can be performed in a vacuum transfer chamber. Examiner points out that the referece does not say that "alternatively, the method can be performed in a vacuum transfer chamber", but that "in an alternative embodiment, the method can be performed in a vacuum transfer chamber ", which does not preclude a similar procedure taking place in the mini-environment as well. In combination with the teachings of Sundar, which disclose that in all instances correcting displacement must be accomplished before a wafer is released by the substrate handler in the minienvironment portion, the provision of an alternative embodiment in no way precludes use of Sundar against the presently claimed invention based on the inclusion in the claimed invenion of an initial positioning in atmospheric air . Finally, Examiner notes that centering a wafer can be interpreted as correcting a displacement of a wafer. As noted above, the use of different language to describe the claimed invention does not automatically serve to distinguish over the prior art.